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# LAWS OF MONTANA

COVERING  
LICENSING OF BEAN DEALERS;  
ALSO GRADING AND INSPEC-  
TION OF BEANS AND HAY

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ISSUED BY  
DIVISION OF HORTICULTURE  
of the  
MONTANA  
DEPARTMENT OF AGRICULTURE  
MISSOULA, MONTANA  
MAY, 1935

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A. P. Bruce,  
Commissioner

Geo. L. Knight, Chief,  
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# LAWS OF MONTANA

## CHAPTER 164 OF THE SESSION LAWS OF 1935

An Act Defining, Licensing and Regulating Dealers Engaged in Buying, Selling, Warehousing or Storing Beans: Defining the Words "Commissioner", "Warehouseman" or "Person", "Beans" and "Storage" or "Warehousing"; Defining Transactions in Beans; Providing for Licenses and Date of Expiration, Amount Thereof and Disposition of Fees; and Providing for Appeal; Providing for Bonds and Amount Thereof and Fixing Conditions and Providing for Recovery Thereunder; Providing for Inspection; Establishing Grades; Providing for Records and Reports; Prescribing Powers and Duties of the Commissioner of Agriculture; Providing for Penalties for Violation of Act; and Providing for Repealing of Chapter 55 of the Session Laws of 1933 and All Acts and Parts of Acts in Conflict Herewith.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. The provisions of this Act shall be administered and enforced by the Commissioner of Agriculture of the State of Montana.

Section 2. The following terms and words whenever used in this Act, or in the rules and regulations later promulgated by the Commissioner shall have the meaning as indicated.

(a) The word "Commissioner" shall mean the Commissioner of Agriculture of the Montana Department of Agriculture.

(b) The words "Warehouseman" or "person" shall mean dealer, shipper (except grower), society, association, organization, corporation or their agents or representatives.

(c) The word "beans" shall mean all varieties of the bean family (except green beans) whether grown or purchased for seed, feed or human consumption.

(d) The words "storage" or "warehousing" shall mean any method by which beans are held for any party, other than direct ownership, by the party doing the storing.

Section 3. This Act shall cover all transactions in beans and they shall not be handled, purchased, sold or stored under the provisions of any grain act.

Section 4. All persons engaged in the business of buying and selling at wholesale or warehousing and storing beans, or receiving or soliciting beans for purchase, sale or storage either within or without the State of Montana shall, before engaging in such business, procure a license from the Commissioner and shall pay a license fee to the Department of Agriculture of Montana in the sum of Fifteen Dollars (\$15.00), which shall be deposited with the Treasurer of the State of Montana and credited to the special fund known as the "Revolving Fund of the Division of Horticulture" to be expended by the Chief of the said Division upon approval of the Treasurer of the State of Montana, and all moneys so deposited shall be held subject to the uses of the Chief of the Division of Horticulture for the purpose of carrying out the provisions of this Act. Said licenses shall be renewed annually and the prescribed fee shall be paid annually. All licenses shall be issued for the

fiscal year or fraction thereof and ending June 30th next following.

Section 5. The Commissioner shall prescribe forms for application for such licenses and shall require from the applicant such facts and information as he may determine and as may seem appropriate to carry out the provisions of this Act. The applicant must satisfy the Commissioner as to his qualifications, warehouse and storage facilities, experience and financial ability to carry on the business of buying, selling, warehousing and storing, and upon furnishing evidence thereof satisfactory to the Commissioner he may be granted or refused a license. Provided that if license is refused by the Commissioner appeal may be made in accordance with the provisions in Sections 5, 9, 10, 11 and 12 of Chapter 164 of the Montana Session Laws of 1933.

Section 6. Every person applying for a license to engage in such business of buying, selling, warehousing or storing beans in accordance with this Act shall, as a condition precedent to the granting thereof, execute and file with the Commissioner a good and sufficient surety bond in the sum of Five Thousand Dollars (\$5,000.00) to the State of Montana, executed by a responsible surety company licensed to do business in this state, to be approved by the Commissioner, conditioned upon the faithful performance of his obligations as a bean dealer or warehouseman under the laws of this state and as prescribed in this Act, and of such additional obligations as may be assumed by him under contract with the respective depositors of the beans with him. The Commissioner may from time to time require additional bond under penalty of revoking the license. Said bond shall otherwise be in such form and shall contain such additional conditions as the Commissioner may pre-

scribe to carry out the purposes of this Act, and may, in the discretion of the Commissioner, include the requirements of fire insurance.

Section 7. Any person injured by the breach of any obligation to secure which a bond is given, as in this Act provided, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained in such breach, or where more than one (1) person has been so injured, the action may be brought in the name of the State of Montana on behalf of all such injured persons.

Section 8. The Commissioner shall charge, assess and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this Act to be paid to the State Department of Agriculture and deposited as provided in Section 4 of this Act, provided that such fee shall not exceed Ten Dollars (\$10.00) per annum.

Section 9. Every dealer in beans shall make and keep a full and complete record of all beans handled by him covering the following facts:

- a. Name and address of the producer or shipper.
- b. Date of receipt.
- c. Kind, quantity, quality and grade of beans received.
- d. Agreed purchase price if purchased.
- e. Agreed storage price if stored.
- f. Agreed commission charged if consigned.
- g. Date of sale, to whom sold and price.
- h. Date and details of settlement with vendor or consignor.



The above records shall be open to the confidential inspection of the Commissioner or his authorized agents at all times. Every warehouseman shall issue a receipt for all beans received for storage on a form approved by the Commissioner as provided in Section 10 of this Act.

Section 10. The Commissioner shall prescribe such rules and regulations as he may deem necessary for the safe conduct of the business referred to in this Act, including a scale of storage charges and storage receipts and to that end may, if he deems it necessary, require reports from any warehouseman or person receiving stored beans on blanks or forms that may be prepared by the Commissioner.

Section 11. All beans accepted for storage shall first be graded according to the Standards of the United States Department of Agriculture and the grade so established shall be noted and specified upon the warehouse receipt issued for such beans.

Section 12. The storage of beans under the terms of this Act shall constitute a bailment and upon the return of the warehouse receipt properly endorsed, and upon the payment or tender of all advances and legal charges, the holder of such warehouse receipt shall be entitled to, and it shall be compulsory for the warehouseman to deliver the identical grade and amount of beans so placed in storage. Every dealer, under the provisions of this Act, shall maintain at all times in original storage beans equal in amount and grade to all storage certificates issued, unless authorized in writing by holders of receipts or by the Commissioner, to move to other storage, and failure to do so shall constitute a conversion.

Section 13. Every warehouseman or person operating under this Act shall keep in a place of safety completely and correct records of all beans stored by him and of all beans withdrawn from storage; of all warehouse receipts issued by him; and of all the receipts returned to and cancelled by him; and shall make such reports to the Commissioner concerning such matters as may be required by the Commissioner by rules and regulations established by him.

Section 14. For the purpose of enforcing the provisions of this Act, the Commissioner upon his own motion may, or upon verified complaint against any dealer or any person, firm, exchange, association or corporation assuming or attempting to act as such, shall have authority to, and must make any and all investigations he deems necessary, and he shall at all times have free and unimpeded access to all buildings, yards, warehouses, storage and transportation or any other facilities or places in which beans are kept, stored, handled or transported. If the Commissioner, upon investigation, shall have reason to believe that any dealer is not acting in accordance with the provisions of this Act, or upon the filing of a verified complaint against any dealer, it shall be the duty of the Commissioner to have personal service made upon said dealer, or to mail by registered mail a complaint, or a copy of the verified complaint against said dealer, and in the event the dealer fails to make formal adjustment or settlement of the charges set forth therein, to the satisfaction of the Commissioner, the Commissioner shall give notice of the time and place of a formal hearing thereon. Notice of any hearing shall be given at least twenty (20) days prior thereto and said hearing shall be held in the city or town in which the transaction complained of is alleged to have occurred.

He shall have full authority to administer

oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before him, together with all books, memoranda, papers, and other documents, articles or instruments; to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation; and all parties disobeying the orders of subpoenas of said Commissioner shall be guilty of contempt and shall be certified to any district court of the state, which court shall punish any such contempt. Copies of records, inspection certificates, certified reports and all papers on file in the office of the Commissioner shall be prima facie evidence of the matters therein contained.

At the time and place appointed for such hearing the Commissioner shall hear all parties and their evidence and thereupon the Commissioner shall dismiss the charges, or suspend the license of the dealer for a specified time, or revoke the same, or make such other appropriate order as he may deem just and proper; any order shall specify the effective date thereof and any order other than the one suspending or revoking a license shall automatically suspend such license until such order is complied with. Provided, that an appeal may be made from the decision of the Commissioner according to the provisions of Sections 5, 9, 10, 11 and 12 of Chapter 164 of the Montana Session Laws of 1933.

Section 15. Any person who shall engage in or carry on any business or occupation for which a license is required by this Act without first having obtained a license therefor, or who shall continue to engage in or carry on any such business or occupation after such license has been revoked or expired, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars

(\$25.00) nor more than One Hundred Dollars (\$100.00), and each and every day that such business or occupation is so carried on or engaged in shall be a separate offense. Any person who shall otherwise violate any of the provisions of this Act, or shall by any manner or means convert to his own use, or that of another, any beans so stored or accepted for storage shall, if the value of such converted beans exceed Five Hundred Dollars (\$500.00), be deemed guilty of a felony; and if the value is less than Five Hundred Dollars (\$500.00) be deemed guilty of a misdemeanor, and in either case upon conviction, shall be punished by fine or imprisonment, or both, as otherwise provided by law.

Section 16. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 17. Chapter 55 of the Sessions Laws of 1933 and all Acts in conflict herewith are hereby repealed.

Section 18. This Act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1935.

**REGULATIONS FOR BEAN WAREHOUSING**  
**Under Chapter No. 164, Montana Sessions**  
**Laws of 1935.**

4-5 1. The inspection fee as provided in Section 5 shall be \$2.50 for each inspection but shall not exceed \$10.00 for any fiscal year.

2. A monthly report shall be rendered by each warehouseman on form prescribed and furnished by the Commissioner of Agriculture giving full details called for on said form.

3. Stored beans are hereby defined as beans held or placed in storage in an elevator, bean cleaning plant, bean warehouse or other public warehouse of whatever kind by any person or any business concern that is not the actual bona fide owner of said beans. *warehouse*

4. All warehouse receipts and scale tickets issued for stored beans shall be in the form prescribed by the Department of Agriculture, copies of which may be obtained upon application. Before any warehouse receipts or scale tickets are issued each bean warehouseman shall submit to the Department of Agriculture two copies of the warehouse receipt and scale ticket forms; one copy to be filed in the office of the Division of Horticulture of the Department of Agriculture at Missoula and the other to be returned to the warehouseman with approval or correction. When warehouse receipts or scale tickets are made out upon duplicate or triplicate forms the original copy shall be the warehouse receipt or scale ticket, and the other copies shall have plainly printed across the face the words "Duplicate" or "Not Negotiable," or in some equally distinct manner show they are not the original. Each warehouse receipt or scale ticket issued must plainly show the amount of any cash, or the value of any merchandise, the warehouseman has ad-

vanced on the beans represented by the receipt of ticket but such notation shall not be construed as fixing the date of sale of such beans.

5. All beans which constitute a distinctly separate lot and are delivered by any one for storage in a warehouse or cleaning plant shall be assigned a warehouse lot number; said lot numbers shall be assigned in consecutive order and the same number shall not be assigned to more than one lot of beans. Beans of different grades, even when owned by the same person, shall be given separate warehouse lot numbers. All the bags in any lot shall be plainly marked or stamped with its number.

6. The rate per month of all charges for storing and redelivery of beans must be stated in the spaces provided for that purpose on the face of both the scale ticket and the final storage receipt.

7. Storage settlement shall not be later than June 30th of each year. If beans are to continue in storage into the new fiscal year the old storage receipt shall be taken up by the warehouseman and a new one issued for each lot thus held and each new receipt shall be dated July 1st.

8. Failure on the part of any bean warehouseman or the owner of any bean cleaning plant where any beans are held in store, for other than the owner thereof, to comply with the provisions of this Act will render the license of such warehouseman or owner of a bean cleaning plant subject to revocation and cancellation by the Commissioner of Agriculture.

9. The fee for officially grading any lot of beans placed in storage shall be paid to the inspector by the warehouseman when the grade certificate is delivered to him, but may be col-

lected by the warehouseman from the owner of the beans.

10. The original of the grade certificates shall be delivered to the owner of the beans and a copy delivered to the warehouseman.

11. The storage charge for all beans placed in storage shall be one cent per sack per month or fraction thereof after the first fifteen days. The handling charge shall be five cents (5c) per sack, and the cleaning charge shall be 15c per hundred pounds gross and 10c per hundred pounds for each additional cleaning.

12. All duties imposed upon and all power granted to the Commissioner of Agriculture by this Act are hereby made the duties and powers of the Chief of the Division of Horticulture at Missoula, Montana.

A. P. BRUCE,  
Commissioner of Agriculture.

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## CHAPTER 83 OF THE MONTANA SESSION LAWS OF 1935

An Act Providing for the Enforcement of the Laws Governing the Grading of Hay in the State of Montana; Providing for the Inspection Thereof and Conferring Certain Powers and Duties Upon the Commissioner of Agriculture, Labor and Industry, and Repealing Section 4231 of the Revised Codes of Montana for 1921 and All Other Acts Conflicting Herewith.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. The Commissioner of Agriculture, Labor and Industry shall, through the Division of Horticulture, enforce the provisions of Section

4229 and Section 4230 as amended, governing the grading and inspection of hay; promulgate such rules and regulations as are necessary for the enforcement thereof and provide for an inspection fee covering the expense of such inspection.

Section 2. Section 4231 of the Revised Statutes of 1921 and all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect immediately upon its passage and approval.

Approved March 5, 1935.

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**Note:** For Section 4230 referred to above see Chapter 84 of Montana Session Laws of 1935, following.

**Section 4229, Revised Codes of 1921, provides in part:**

"There is hereby created, fixed and established a standard grade for certain species of hay sold or offered for sale within the State of Montana; the standard grade of the hereinafter enumerated species of hay shall be as follows, provided, however, that if the federal grades on hay are established in conflict with any of the following grades, then the federal grades shall govern and become the Montana standard grades."

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## **REGULATIONS GOVERNING CHAPTER 83 OF THE MONTANA SESSION LAWS OF 1935**

**Regulation I.** Only such inspectors as have received proper instructions in hay grading shall



be allowed to inspect hay and issue certificates therefor.

**Regulation II.** Regular inspection certificates shall be issued for each car inspected.

**Regulation III.** The fee for inspections shall be \$4.00 per car or lot inspection where there are fifteen (15) tons or over and \$2.00 for less than fifteen (15) tons plus actual mileage.

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## CHAPTER 84 OF THE MONTANA SESSION LAWS OF 1935

An Act to Amend Section 4230 of the Revised Codes of Montana, 1921, Relating to the Sale of Hay.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. That Section 4230 of the Revised Codes of Montana of 1921, be, and the same is hereby amended to read as follows:

"Section 4230. Sale of Other Than Standard Hay Forbidden. It shall be unlawful for any person, firm or corporation to buy or offer to buy, for the purpose of resale within or without the State of Montana, hay the established grade of which is created, fixed and established by the preceding sections unless said hay meets the requirements provided for in said sections."

Section 2. Nothing in this Act shall apply to hay in the stack.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall become in full force and effect immediately upon its passage and approval.





